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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/847,123	05/01/2001	Jonathan Thatcher	CLARP029/P2670	5414

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EXAMINER	
KIM, JUNG W	

ART UNIT	PAPER NUMBER
2132	

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/847,123	THATCHER ET AL.	
	Examiner	Art Unit	
	Jung W Kim	2132	

-- The MAILING DATE of this communication appears on the cov r sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-33 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-33 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 01 May 2001 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-33 have been examined.

Claim Rejections - 35 USC § 112

2. Claims 12, 14, 16, 18, 24, 26, 31 and 33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. As per claims 12, 14, 16, 18, 24, 26, 31 and 33, the presence of the trademarks or trade names "Windows", "Macintosh", "AppleTalk", and "IPX" are not proper under 33 U.S.C. 112, second paragraph (see 37 CFR 2173.05(u)).

4. If the trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. *Ex parte Simpson, 218 USPQ 1020 (Bd. App. 1982)*. The scope of the claim is uncertain since the trademark or trade name does not properly identify any particular material or product.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wobber et al. U.S. Patent No. 5,235,642 (hereinafter Wobber) in view of Robert et al. U.S. Patent No. 4,937,863 (hereinafter Robert).

8. As per claim 1, Wobber discloses a method for a first database program to request access to a second database program operating in a computer network, wherein the request is authenticated using credentials (see Wobber, Abstract; Figure 3; col. 4:9-30, scope of a "principle" encompass database programs). Wobber does not teach a determining step wherein if another copy of the first database program is not connected to the second database program then the first database program is connected. Robert teaches a software licensing management system wherein only a specified number of concurrent usages of a licensed software are allowed; a license management facility receives a request by a user to use a licensed software and

determines allowance or denial to use based on a stored number of allowed users of the software and the current number of users of the software. See Robert, col. 1:57-2:2; 4:11-48. It would be obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Robert to the invention of Wobber. Motivation to combine enables software licenses to be regulated based on the number of concurrent users. See Robert, Ibid. Hence, the invention of Wobber as modified by Robert cover the following limitations:

a. sending a request for connection, the request being sent by a first database program to a second database program operating on the computer network (see Wobber, col. 4:9-36);

b. determining whether another copy of the first database program is connected to the second database program (see Robert, col. 4:11-48: scenario wherein only 1 concurrent use is allowed by licensed software-this is an obvious restriction since privately owned software is typically restricted to one user; examiner takes Official Notice of this teaching. Motivation to restrict to only one concurrent usage enables the invention of Robert to regulated personally owned, licensed software on a personal computer); and

c. granting the request for connection to the first database program when the determining determines that another copy of the guest copy of the guest database program is not connected to the database program (see Robert, col. 4:26-36).

The aforementioned cover the limitations of claim 1.

9. As per claim 2, Wobber covers a method as outlined above in the claim 1 rejection. In addition, the determining is performed by the second database program. See Wobber, Figure 4, Reference No. 102-1. The aforementioned covers the limitations of claim 2.

10. As per claim 3, Wobber covers a method as outlined above in the claim 1 rejection. In addition, the method further comprises registering the first database program with the second database program when the determining determines that another copy of the first database program is not connected to the database program. See Robert, col. 4:33-36. The aforementioned cover the limitations of claim 3.

11. As per claim 4, Wobber covers a method as outlined above in the claim 1 rejection. In addition, the method further comprising denying the request for connection when the determining determines that another copy of the first database program is connected to the second database program. See Robert, col. 4:37-49. The aforementioned cover the limitations of claim 4.

12. As per claim 5, Wobber covers a method as outlined above in the claim 4 rejection. In addition, the method further comprises generating an error message when the determining determines that another copy of the first database program is

connected to the second database program. See Robert, col. 4:42-44. The aforementioned cover the limitations of claim 5.

13. As per claim 6, Wobber covers a method as outlined above in the claim 5 rejection. In addition, a step to display an error message is a notoriously obvious enhancement in the art; errors that occur in a computing system are generally conveyed to a user of the program to enable user awareness of the status of the program. Examiner takes Official Notice of this teaching. It would be obvious to one of ordinary skill in the art at the time the invention was made to display the error message by the first database program. Motivation to combine enables updates to the status of a program to be known to a user of the program as is known to one of ordinary skill in the art. The aforementioned cover the limitations of claim 6.

14. As per claims 7 and 8, Wobber covers a method as outlined above in the claim 1 rejection. In addition, the request includes an identifier which identifies the first database program; and the determing of whether another copy of the first database program is connected to the second database program comprises looking up the identifier in a list of one or more identifiers which are respectively associated with one or more database programs that are connected to the second database program. See Robert, col. 3:41-61; col. 4:11-25. The aforementioned cover the limitations of claims 7 and 8.

15. As per claim 9, Wobber covers a method as outlined above in the claim 8 rejection. In addition, the method further comprises adding the identifier to the list of identifiers when it is determined that another copy of the first database program is not connected to the second database program. See Robert, col. 4:33-36 (the step of adjusting the number of remaining license units in entry by a function of the license units allocated to use of the licensed program to reflect the usage in Wobber is a functionally equivalent step: since the invention of Wobber already stores all software licenses in the license management facility, only an indication of a current use of a software is required, and not the entire identifier). The aforementioned cover the limitations of claim 9.

16. As per claim 10, Wobber covers a method as outlined above in the claim 1 rejection. In addition, the request is sent as session information; and wherein the session information includes a licensing identifier associated with the first database program. See Robert, col. 3:40-61. The aforementioned cover the limitations of claim 10.

17. As per claims 11-14, Wobber covers a method as outlined above in the claim 1 rejection. In addition, the invention of Wobber does not levy a platform restriction on the first and second database programs. Further, since user computers using a variety of platforms, such as UNIX, Linux, Windows, and Macs all interoperate on a computing network (for example, a user on a Mac OS or Windows ME accessing a site hosted on a

UNIX or Windows NT server), the limitation of the first and second database programs operating on different platforms using different connection protocols is an obvious enhancement (TCP is a connection-based communication standards not limited to any specific platform and AppleTalk is designed to connect Macs along with PCs). Examiner takes Official Notice of this teaching. It would be obvious to one of ordinary skill in the art at the time the invention was made for the first and second database programs operating on different platforms using different connection protocols since interconnectivity among different platforms is a necessity for a specific platform to access the plethora of services of other platforms on the Internet as is known to one of ordinary skill in the art. The aforementioned cover the limitations of claims 11-14.

18. As per claims 15-19, they are apparatus claims corresponding to the invention taught by Wobber as modified by Robert as outlined in the claim 1-14 rejections and they do not teach or define above the information taught by Wobber and Robert. Therefore, claims 15-19 are rejected as being unpatentable over Wobber in view of Robert for the same reasons set forth in the rejections of claims 1-14.

19. As per claims 20-26, they are method claims corresponding to the invention taught by Wobber as modified by Robert as outlined in the claim 1-14 rejections and they do not teach or define above the information taught by Wobber and Robert. Therefore, claims 20-26 are rejected as being unpatentable over Wobber in view of Robert for the same reasons set forth in the rejections of claims 1-14.

20. As per claims 27-33, they are apparatus claims corresponding to the invention taught by Wobber as modified by Robert as outlined in the claim 1-14 rejections and they do not teach or define above the information taught by Wobber and Robert. Therefore, claims 27-33 are rejected as being unpatentable over Wobber in view of Robert for the same reasons set forth in the rejections of claims 1-14.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bains et al. U.S. Patent No. 5,579,222

Barber et al. U.S. Patent No. 5,390,297.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jung W Kim whose telephone number is (571) 272-3804. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jung W Kim
Examiner
Art Unit 2132

Jk
January 6, 2005

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SUPERVISORY PATENT EXAMINER
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